

REMARKS

Applicants acknowledge receipt of the Advisory Action dated April 27, 2004. In this response Applicants have amended claim 1. Following entry of these amendments, claims 1-14 are pending in the application.

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow taken together with the remarks set forth in Applicants' Reply filed on March 9, 2004.

Supplemental Remarks Regarding Rejection Under 35 U.S.C. §103

In the Advisory Action, the PTO has stated that:

[T]o show unexpected results the data must be commensurable [sic] with the claimed range. For example on pages 17 and 18 regarding Table 2, applicant has indicated that the bulk densities for examples 3-6 and [comparative examples] 3-4 are 3.92-3.99 g/cm³; however, there is no indication of which bulk density is used with the examples 3-6 and which bulk density is used with the comparative examples 3-4. Additionally, claim 1 indicates that the bulk density is 3.90 g/cm³ or over but less than 4 g/cm³; however, unexpected results have not been demonstrated when using bulk densities of 3.90 g/cm³ and 3.91 g/cm³.

Applicants respectfully traverse the PTO's position and incorporate by reference here the arguments set forth in their reply filed on March 9, 2004. However, in an effort to advance prosecution in the present application, Applicants have amended claim 1 to recite a "density of 3.92 g/cm³ to 3.99 g/cm³". Support for this amendment is provided, e.g., in the sentence bridging pages 17 and 18 of the specification. Applicants have amended claim 1 solely to advance prosecution of the claimed subject matter to, hopefully, allow that subject matter to issue as a patent without further delay, and Applicants expressly reserve the right to pursue additional subject matter in further applications.

Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under §103 in light of the foregoing amendments and remarks taken together with the remarks set forth in Applicants' Reply dated March 9, 2004. There can now be no question that the scope of the evidence is commensurate with the scope of the amended claims.


CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 8, 2004
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

By 
Richard L. Schwaab
Attorney for Applicants
Registration No. 25,479

Paul D. Strain
Agent for Applicants
Registration No. 47,369